

CHAPTER IV.

Feb'y 23, 1869. *An Act to incorporate the village of High Forest, in Olmsted County, Minnesota.*

- SECTION 1.** Incorporation of the Village of High Forest.
2. Boundary lines.
 3. What to be elective offices—term of office.
 4. Persons elected or appointed to office to take and subscribe an oath—what officers to give bonds.
 5. Common Council—of whom to consist—style of all ordinances—when Council to meet—quorum—who to preside at the meetings—proceedings how kept.
 6. Who to be chief executive officer—by whom all ordinances and resolutions to be signed.
 7. Duty of Recorder.
 8. Duty of Treasurer.
 9. Jurisdiction of Justice of the Peace—to make report to Common Council—what to contain—focs of Justice of the Peace.
 10. Duty of Constable.
 11. When term of office to begin—when annual election to be held—notice to be given of time and place of holding elections—how conducted.
 12. Vacancies, how filled.
 13. Who entitled to vote.
 14. What to constitute an election district—election how conducted.
 15. Township organization to be submitted to voters of said village—ballots how prepared.
 16. Duty of the Treasurer of Olmsted County.
 17. Qualifications of voters.
 18. Common Council to have control of the finances—further powers of Council.
 19. What documents may be read in evidence in all courts.
 20. What to be deemed common nuisances.
 21. Common Council to examine and adjust all accounts.
 22. All actions shall be brought in the corporate name of the village.
 23. Powers of Constable and Police Officers.
 24. How suits may be brought against the village.
 25. No laws shall be considered repealing or modifying the same unless expressly set forth in such law.
 26. Sale of all intoxicating liquors to be regulated by the Common Council.

27. Common Council to have power to open, lay out and vacate streets and alleys.
28. Duty of Street Commissioner when necessary to construct and repair sidewalks.
29. In case owners of property do not repair sidewalks the village to repair them—expenses to be a lien on property adjoining said sidewalk.
30. Non-payment of taxes on property improved, how collected.
31. To prescribe width of sidewalk and material used.
32. Property exempt from taxation.
33. Authorized to levy a tax for the current expenses of the village government.
34. Common Council to provide by ordinance for the assessing and enforcing the collection of all taxes levied.
35. Provides how legal proceedings may be taken.
36. Shall continue to be a part of the town of High Forest.
37. Powers of said corporation.
38. Village to constitute one or more road districts—to be defined by the Common Council.
39. To appoint overseers—define their duties—Common Council to perform same duties as Supervisors of towns.
40. Provides how legal proceedings may be taken.
41. Actions may be commenced before Village Justice, Justices of the Peace or District Court—penalties for non-payment of judgments.
42. Declared a public act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. All that part of the county of Olmsted, in the state of Minnesota, contained in the limits and boundaries hereinafter described, shall be a village, and the inhabitants thereof shall be, and form a municipal corporation under the name and style of the village of High Forrest, and shall have the powers generally possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity, and may have a common seal, and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey real estate, and personal estate, and mixed estate, within or without the limits thereof, as the purposes of the village may require.

Incorporation
of the village of
High Forest.

SEC. 2. That territory included within the following boundaries, shall constitute the said village of High Forest, to wit: Sections five (5) and six (6) in township one hundred and four (104) and sections thirty-one (31)

Boundary lines.

and thirty-two (32) in township one hundred and five (105) all in range fourteen (14) situated in Olmsted county, Minnesota.

SEC. 3. The elective officers of said corporation shall be one president, one recorder, one treasurer, one justice of the peace, and one constable, and shall each except the justice of the peace, hold their respective offices for the term of one year, and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two years, and until his successor is elected and qualified. In addition to the above mentioned officers, the common council shall have power to appoint and define the duties of such other officers as to said common council may seem necessary. *Provided*, That when a member of the common council holds any appointed office he shall not vote upon any question involving his action as such appointed officer.

What to be elec-
tive officers—
term of office.

SEC. 4. Each of the said officers before entering upon the duties of his office, and within ten days after receiving notice of his election, shall give notice in writing of his acceptance of the same to the recorder of said village, and shall take and subscribe before some officer, by law authorized to administer oaths, an oath of office to support the constitution of the United States and the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with law and the ordinances of said village, and in addition thereto, the treasurer, recorder and constable shall each give bond in a sum not less than one hundred dollars to be determined by the council, with sufficient surety to be approved by the president of the common council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with the recorder of said village, and the justice of the peace of said village shall qualify as prescribed in section forty-one (41) chapter ten (10) of the statutes of Minnesota, except that the bond of said justice shall be executed to the common council of the village of High Forest, and to be approved by the president of said common council, who shall endorse his approval on said bond, and in all other respects except as herein otherwise provided, the said justice of the peace shall comply with the provisions of said section forty-one (41) of chapter ten (10) of statutes of Minnesota, and upon such compliance the clerk of the district court of Olmsted county shall, when requested, annex his certifi-

Officers to take
oath and give
bonds.

cate to any paper signed by said justice as to the genuineness of the signature of said justice of the peace, and as to his official character, and affix his seal of office thereto, upon being paid his proper fees for so doing.

SEC. 5. That the president, recorder and justice of the peace of said village of High Forest, shall constitute the common council, to which body shall belong all the legislative powers herein granted by this act to said corporation. All action of the council intended to have the form of rules, or law, or authority for contract, shall be by ordinance under the style of "Be it ordained by the common council of High Forest," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The common council shall meet for the transaction of business at least once in six months, and a majority thereof shall constitute a quorum for the transaction of any business. The president when present shall preside at all meetings of the common council, but in case of his absence, the members present shall choose one of their number to preside during his absence, but no ordinance shall be passed except by the vote of the majority of all the members of the common council. A record in book form shall be kept by the recorder in which he shall record all the proceedings of the common council, and the ayes and noes on every ordinance voted upon shall be entered therein.

Who to constitute the council
—style of all ordinances.

SEC. 6. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in or must from their nature necessarily pertain to the other executive officers of said corporation, and whether said officers are created by this act or by the common council; he shall have power and it shall be his duty to call out and use in such a manner as may seem most proper all the constabulary or police force of said corporation when he may deem it necessary to quiet or prevent disturbances. He shall have power to call a meeting of the council, by giving such notice thereof as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper.

Duty of president.

SEC. 7. That the recorder shall be the recording officer of the village and of the common council. He shall have the custody of the seal of said corporation (if any), and of all the records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall re-

Duty of recorder.

ceive all moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by said corporation; but no such order shall ever be drawn by said recorder, unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed by the common council. He shall also make to the common council, at the close of each official year, a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and he shall with all reasonable dispatch make such other reports and at such times as the common council may require, and said recorder shall also receive and file and keep record of all chattel mortgages presented to him for such purposes, in the same manner and way as prescribed by law for town clerks, and all chattel mortgages filed in the office of said recorder, shall have the same effect and be noticed to the same extent as chattel mortgages filed in the office of township clerks; and the election district herein created, shall so far as chattel mortgages are concerned, be construed to mean town or city; and sections two (2), and three (3) and four (4), chapter thirty-nine (39), statutes of Minnesota, shall apply to the election district herein created and mentioned, and the aforesaid recorder shall be governed by the next above named sections in said chapter thirty-nine (39) in his official duties, as to chattel mortgages.

Duty of treasurer.

SEC. 8. The treasurer shall be the depository of all moneys belonging to the said corporation. He shall from such moneys pay upon presentation all orders therefor drawn by the recorder and countersigned by the president. *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of the payee therein, and the party receiving the money therefor.

Jurisdiction of justices—duties and fees.

SEC. 9. The justice of the peace provided for and elected under the provisions of this act, shall have and possess, and may exercise all the powers and jurisdiction of justices of the peace provided for and elected under the general laws of the state, and in addition thereto, shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or

penalty, under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offenses committed against the same. All prosecutions or assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of the village of High Forest, and the same proceedings shall be had in all civil and criminal suits or prosecutions before said justice when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of this state, before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding had or commenced in the name of said village, shall be promptly paid by said justice to the recorder of said corporation for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same, in any manner whatever, in any pleading or complaint, but said by-laws, ordinances and regulations, shall in said justices court be held and deemed to be public law. The justice of the peace shall at least once in six months, make to the common council a full report of all moneys received by him, for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace, and all warrants, summons, writs, and processes of every nature, issued by such justice of the peace, shall be directed to the sheriff or any constable of Olmsted county, and may be executed and served by the constable elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said sheriff or any constable of said county shall have and possess the same power and authority, which by the general laws of the state they have and possess in the execution or service of warrants, summons, writs and other processes, issued by justices of the peace, elected under the general laws of this state.

Jurisdiction of
Justices—his
duties and fees.

SEC. 10. The constable elected under the provisions of this act, shall be the ministerial officer of the council,

Duty of constable.

and shall have possession, and may exercise all the powers belonging to constables elected under the general laws of the state, and said constable shall within the county wherein he resides, also have and exercise all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the state, shall also be chief of the police force of said village, but as such shall be subordinate to the president.

When term of office to begin—when annual election held—how conducted.

SEC. 11. The term of all officers elected under the provisions of this act, shall commence on the first Tuesday of April, of each year, (unless elected or appointed to fill a vacancy). All officers shall be residents of the village, and freeholders therein, and there shall be an annual election for elective officers herein provided for, on the last Monday in March, in each and every year, and the polls shall be kept open from ten o'clock in the forenoon, until four in the afternoon, and ten days previous notice shall be given by the recorder, of the time and place of holding such election, and the officers to be elected, by posting notices thereof in three of the most public places in the village. At the said election, the common council or any two of them shall act as judges of election, and the recorder as clerk of election, and in case of inability or non-attendance of any of said officers, the vacancy shall be filled by an appointment made by those officers present. At the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to the voters present, by one of the judges, and the recorder shall make a true record thereof, writing to the persons so elected of their election. The first election under the provisions of this act, shall be held on the last Monday in March, one thousand eight hundred and sixty nine, and shall be conducted by A. Grant, Geo. J. Covell, and Wm. Carson, who shall be inspectors of election and also the board of canvassers of such election, and shall perform all the duties and possess all the powers as inspectors of election, and board of canvassers prescribed by this act. At said election all the officers provided in this act shall be elected. *Provided*, In case any of the foregoing board of canvassers should not be present, or should fail to act as such inspectors, then and in that case it shall and may be lawful for the bystanders to fill any such vacancy as may occur in said board. Said first election shall be held at the Tattersall House, in said village, or such other convenient place as the bystanders may designate on the day

of election, at the opening of the polls. Said election shall be held on the last Monday in March, one thousand eight hundred and sixty-nine, and be opened at ten o'clock A. M., and close at four o'clock P. M. of the same day.

SEC. 12. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by a new election, which shall be ordered by the common council, and notice of the time and place of holding such election shall be given as hereinbefore provided for other elections. Any person elected to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term.

Vacancies, how filled.

SEC. 13. All persons entitled to vote for county and state officers, and who shall have resided in said village for ten days next preceding the day of the election, shall be entitled to vote for any elective officer under this act, and to hold any office hereby created; but no person shall be eligible to, nor hold any elective office, unless he be a freeholder within said corporation.

Who entitled to vote.

SEC. 14. All that portion of the territory of the township of High Forest, Olmsted county west of a line running north and south, and commencing at the south-west corner of section three (3) township one hundred and four (104) and thence north, on section line to the north-west corner of section three (3) in township one hundred and five (105) all in range fourteen (14) shall constitute and be one election district, for all purposes of general and special elections under the general election law of this state, and the president of the common council of the village of High Forest, shall be and act as one of the judges of election, and the recorder shall be and act as one of the clerks of election, and at all general or special election in said election district, the electors at the hour of opening the polls on the day of election, choose two judges of election, and one clerk of election, and the president aforesaid and the judges of election chosen as herein provided, and the recorder with the clerk chosen as herein provided, shall comply with, and perform all the duties required under the general election laws of this state. *Provided*, That the recorder shall give notice of all elections general or special in the same way as required by the general election law of this state of town clerks. *And provided further*, That the common council shall perform all the duties pertaining to the registry list in the same way as township supervisors do under the general election law of this state, and chapter one (1) statutes of

What to constitute an election district.

Minnesota, shall apply to and govern the judges and clerks of election at all general or special elections in all cases wherein the same does not conflict with the provisions of this act, and the common council shall determine in what place in said election district elections shall be held, at least ten days before any election shall be held.

Township organization to be submitted to the voters.

SEC. 15. The electors residing in the election district herein created, may vote upon the question of separate township organization in the following manner: At the election herein provided for on the last Monday in March, one thousand eight hundred and sixty-nine, for elective officers under this act, the electors residing in said election district may vote by separate ballot written or printed on the question of separate township organization. Those in favor of separate organization shall deposit a ballot written or printed thereon "separate township organization," Yes. And those voting against it shall use a ballot having written or printed thereon "separate township organization," No. The vote upon this question shall be canvassed and declared the same as for elective officers, and if it appears by such vote and canvass, that a majority of those voting on this subject are in favor of separate township organization, then and thereafter said election district shall be an organized township, under and by the name of High Forest, and on the day and at the hour for holding the next annual town meetings, the electors of said election district shall assemble at the Tattersall House, in the village of High Forest, and choose a moderator, and three judges of election, and clerks of election, and elect a full set of township officers, who shall qualify and enter upon the duties of their office immediately.

Duty of county treasurer.

SEC. 16. The treasurer of Olmsted county shall retain in his hands the amount of taxes collected off from property in said election district, and not paid over, and pay over the same to the treasurer of the separate township organization, but in case there should be no separate township organization voted, then the treasurer shall pay as heretofore, except that all road and bridge taxes and the general town tax collected or returned delinquent on property within the limits of said village corporation, shall be paid over to the treasurer of the village of High Forest in all cases, and no tax shall be levied on real or personal property within the limits of said village of High Forest for township purposes, or for repairing roads or bridges, or building bridges outside of the corporate limits of the village of High Forest.

SEC. 17. All persons are prohibited from voting at said election on the subject of separate township organization who shall not have resided in said election district ten days next preceding said election, and shall not be qualified to vote for county or state officers, and if any person votes upon said question, not entitled to vote thereon, his ballot shall be excluded by the judges from the count, in such a manner as to arrive as near as may be at the intention of the good faith of legal voters of said election district.

Qualifications of electors.

SEC. 18. The common council shall have the management and control of the finances and all the property of the corporation, and shall also in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal, all such ordinances, orders, by-laws and regulations, for government and good order of the village, for suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. The common council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rules, by-laws and regulations, which are hereby declared to be and have the force of law. *Provided*, That they be not repugnant to the constitution of the United States or of this state, and for those purposes shall have authority, by ordinances, rules, by laws or regulations—

Council to control finances—
further powers.

First—To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten-pin alleys, bowling saloons; to grant licenses and regulate auctions and auctioneers, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Further powers of council.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said village, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Third—To prevent any riots, noise, disturbance, and disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who

shall be guilty of the same; to suppress disorderly houses or groceries, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof; and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth—To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Fifth—To direct the location and management of slaughter houses, and markets, breweries, distilleries and pawn-brokers.

Further powers
of council.

Sixth—To prevent the incumbering of streets, sidewalks, lanes, alleys or public grounds, with carriages, carts, wagons, sleighs, boxes, firewood, posts, awnings or any other materials or substances whatever.

Seventh—To prevent and punish horse-racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets; and to regulate places of bathing and swimming in the waters within the limits of said village.

Eighth—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

Ninth—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Tenth—To prevent any person from bringing, depositing or having within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any substance, or putrid or unsound beef, pork, fish, hides or skin of any kind, and on default to authorize the removal thereof by some competent officers, at the expense of such person or persons.

Eleventh—To make and establish public grounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for

and control the erection of water works for the supply of water to the inhabitants.

Twelfth—To establish and regulate boards of health, and to provide hospitals and hospital grounds.

Thirteenth—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said village, or in any way doing any damages to such sidewalks.

Fourteenth—To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the council as dangerous to the village or any property therein, or annoying any citizen thereof.

Fifteenth—To prevent open or notorious drunkenness and obscenity in the streets or public places of said town, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Sixteenth—To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. Further powers of the council.

Seventeenth—To regulate the place and manner of weighing hay and selling the same, and the measuring of and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Eighteenth—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health may direct, and in his default, to authorize the removal or destruction thereof, by some officer of the village at the expense of such owner and occupant.

Nineteenth—To provide for watchmen, and to prescribe their numbers and duties and regulate the same, and to create and establish the police of said village, and to prescribe the number of police officers and their duties, and to regulate the same.

Twentieth—To provide by ordinance for a standard of weights and measures, for the appointment of a village sealer, and to require all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-first—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds, and to protect native shade trees.

Twenty-second—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the village.

Twenty-third—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

Twenty-fourth—To do all acts, and make all regulations which may be necessary or expedient for the preservation of health, and the suppression of disease, and to make regulations to prevent the introduction of contagious or infectious diseases into the village, and to make quarantine laws, and enforce the same within the village.

Twenty-fifth—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Twenty-sixth—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars, and imprisonment not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the justice, and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 19. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, by ayes and noes, and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the recorder in books to be provided for that purpose.

SEC. 20. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license, required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 21. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice, and all other officers and agents of the village, at such times as they may deem proper, and also at the end of each year and before the term for which the officers of said village

What may be used as evidence in all courts.

What deemed common nuisances.

Council to examine and adjust all accounts.

were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer or agent of said village who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

SEC. 22. All actions brought to recover any penalty or forfeiture under this act or the ordinances, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the village. In all prosecutions for any violation of this act or of any ordinance of the village, the first process shall be by warrant. *Provided*, That no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, and convicted and punished or discharged, in the same manner as if the arrest had been by warrant.

When warrants shall be issued—when not issued.

SEC. 23. The constable and other police officers are hereby vested with all the powers of a sheriff or constable in the service of writs as granted to them by the law of the state, and may pursue into any county in this state, and take and bring back for trial, any offender against the ordinances of said village.

Powers of constable and police officers.

SEC. 24. When any suit or action shall be commenced against said village, the service therein shall be made by copy left with the recorder of said village.

How suits may be brought against village.

SEC. 25. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

No law considered repealing the same.

SEC. 26. The sale of all intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said village is hereby declared to be under the exclusive con-

Council to regulate the sale of intoxicating liquors.

trol of the common council of said village, and all fines imposed for violation of any ordinance regulating such traffic, shall be paid into the treasury of the village for the use thereof.

Council to have power to vacate and lay out streets and alleys.

SEC. 27. The common council shall have the power and the authority to open, lay out or vacate, streets and alleys within the limits of said village, which is conferred by the general laws of the state upon the boards of supervisors of townships, to open, alter, discontinue or lay out roads, and in the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the common council shall be governed by and act under the general laws of the state providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner to the county commissioners, as appeals are under the general laws taken from the decisions of township supervisors.

Expenses of building sidewalks, now paid

SEC. 28. The cost and expense of building, grading, paving or repairing sidewalks, shall be at the option of the common council, chargeable to the lots fronting on said improvement. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said village of High Forest, they may require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots or parcels of land, or by the publication in a newspaper printed and published in said village for not less than two weeks, of a notice to said owner or occupants setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

When council may order said work done.

SEC. 29. If such work is not done, and the said sidewalks not built or repaired in the manner and within the time prescribed, the common council may order the same to be done by the street commissioners, at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the common council, and said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

SEC. 30. If said assessments be not paid to the street commissioner or the village treasurer on or before the twentieth day of August in any year, the common council shall cause a statement of the same to be transmitted with the town taxes levied for that year to the auditor of the county of Olmsted, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced with and in like manner as county and state taxes are collected and payment thereof enforced.

Non-payment of taxes how collected.

SEC. 31. The common council may prescribe the width of sidewalks, and may establish different widths in different locations, and determine the kind of material of which they shall be constructed, having regard to the business and amount of travel in the vicinity of each.

To prescribe width of sidewalk and material used.

SEC. 32. All property, real and personal in the village, except such as may be exempt by the laws of this state or is village property, shall be subject to taxation not exceeding two and a half mills on the dollar per year, for general purposes. Such property shall also be liable for such special taxes as the common council are herein authorized to levy.

Property exempt from taxation.

SEC. 33. The common council shall have full power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

To levy a tax— for what purpose.

SEC. 34. The common council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Olmsted county, a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the village of High Forest, as incorporated by this act, it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county, to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as any other tax of the said county of Olmsted placed in his

Council to provide for assessing and collecting all taxes.

hands for collection, and to pay the amount so collected, to the treasurer of the village of High Forest, incorporated by this act.

How legal proceedings may be taken.

SEC. 35. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village for the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the common council, they shall have power to settle, compromise or prosecute all such actions on the part of the village, when said village shall be a party or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village, in an action to which the village shall be a party.

To be a part of the town of High Forest.

SEC. 36. In all respects not herein provided for, said village shall be and continue a part of the township of High Forest.

Powers of said corporation.

SEC. 37. The corporation is vested with all powers to carry into full force, virtue and effect all and every part of the charter of said village and the acts amendatory thereof, and to carry into execution the same, shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

To constitute one or more road districts.

SEC. 38. The village of High Forest shall be constituted one or more road districts, to be defined by the common council, and the highway labor and taxes shall belong to the general fund, but shall be expended in the road district where same is levied and raised.

Council to appoint overseers of road districts—to perform same duties as supervisors.

SEC. 39. The common council shall appoint one overseer of each road district, and they shall issue a warrant to him, containing the whole amount of highway labor and taxes, assessed and levied in his district, which said warrant shall be returned by him to the treasurer of said village. The laws of the state shall apply to warning, working, suing for, and collecting highway taxes, and returning delinquent taxes, and in all respects except as herein expressly provided. The common council shall have full power to direct the overseer when, where and how to expend said labor and tax, and to remove him, and may direct him to expend the labor in the manner to be directed by them at any points beyond the limits of the village. The common council shall perform the duties

imposed by law upon the supervisors of towns, in levying highway taxes, and shall be governed and restricted in the amount so levied, by the same laws applicable to the supervisors of said towns in levying highway labor and taxes.

SEC. 40. In any action brought to recover any penalty or damages under this act, or the by-laws made by the common council, it shall be proper to complain that the defendant is indebted for the amount of such penalty or damages, and to refer to the act or by-law under which said penalty is claimed, and to give the special matter in evidence under it, and all civil cases shall be under the direction and control of the common council, and they shall have power to settle, compromise or prosecute all such actions, on the part of the village, when said village shall be a party or interested in such action.

How legal proceedings may be taken.

SEC. 41. Said action shall be commenced before said village justice, unless he is from some cause disqualified, or unable to try the same, in which case such action may be commenced in the district court or before any justice of the peace of the county of Olmsted, and no person shall be an incompetent judge, justice or juror by reason of being an inhabitant of such village, in an action to which the village shall be a party. Every execution issued upon any judgment recovered therein for any penalty, may contain a clause directing in event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty days, if the damages recovered by such judgment shall be ten dollars or less, and sixty days if such damages exceed that sum, and for that purpose the village shall have the use of the jail of the county of Olmsted, and persons thereto committed shall be under the charge of the sheriff of said county. All penalties and judgments shall be paid into the village treasury.

How actions to begin—penalties for non-payment of judgments.

SEC. 42. This act shall be considered a public act, and be in force from and after its passage.

Declared a public act—when to take effect.

Approved February 23, 1869.